

ADDRESSES AND TELEPHONE NUMBERS OF THE COURTHOUSES:

New Haven: 141 Church Street
New Haven, CT 06510
(203) 773-2140
Kevin F. Rowe, Clerk
Victoria C. Minor, Chief Deputy
Lori Inferrera, Deputy in Charge

Hartford: 450 Main Street
Hartford, CT 06103
(860) 240-3200
Mary Wiggins, Deputy in Charge

Bridgeport: 915 Lafayette Boulevard
Bridgeport, CT 06604
(203) 579-5861
Chrystine Cody, Deputy in Charge

Waterbury: 14 Cottage Place (Not staffed)
Waterbury, CT 06702

STAFFING:

The District of Connecticut has a staff of 68 located in the clerk' s offices in New Haven, Hartford and Bridgeport. Clerk' s office personnel are prohibited from giving legal advice.

DIRECTIONS TO THE COURTHOUSES:

TO NEW HAVEN: Coming North: I-95 to exit 47 (Left hand exit: Downtown/RR Station) [Rt. 34 Connector]; move to far right lane; first exit off Connector (RR Station/Coliseum) and go straight on ramp; turn right at light (Church Street); after third light Courthouse is on the right.

Coming South: I-95 to Rt. 34 Connector, follow directions above.

Coming South: I-91 south to exit 1 (Right hand exit) Rt. 34 Connector, follow directions above.

From Waterbury: I-84 west to Route 8 south to Exit 15; turn right. At second light, turn right onto Route 34, which becomes George Street soon after you cross Ella T. Grasso Boulevard. Stay on George Street until you reach the intersection of George and Church Streets. Take a left onto Church Street. The Courthouse is at the third traffic light.

TO HARTFORD: Coming North: Via I-91 north to Capitol Area exit (exit 29A) left hand exit; take first exit ramp (Columbus Boulevard); at light at end of ramp, go diagonally straight on to Arch Street. Proceed straight through next two lights; turn left onto Main Street; Courthouse is on the left.

Alternate North: Via Merritt Parkway to exit 68 (Meriden/I-91); north on 91; follow directions above.

Coming South: Via I-91 south to Capitol Area exit (exit 29A); remain in exit lane and follow to Columbus Boulevard exit; follow directions above.

Coming East: Via I-84 east to Capitol Avenue exit (exit 48B); at light turn left on to Capitol Avenue; follow Capitol Avenue to its end (Main Street); turn left onto Main Street; Courthouse is on right.

Coming West: Via I-84 west to Downtown exit, (exit 54) to Columbus Blvd. Take a left. At third traffic light, turn right onto Arch Street. Follow to second light, and turn left onto Main Street. Courthouse is on the left past the next light.

TO BRIDGEPORT: Coming South: Via I-95 to exit 27 (Lafayette Boulevard); bear right onto Lafayette Boulevard; proceed through one traffic light; Courthouse is on the left.

Alternate coming South: Merritt Parkway south to exit 52 (Rt. 8); Rt. 8 south to Bridgeport to Exit 2 (Fairfield Avenue); right onto Fairfield Avenue; two blocks to West Avenue; turn left; two blocks to State Street; turn left onto State Street; Courthouse is one block up on right.

From Waterbury: I-84 west to Rt. 8 south; follow directions above.

Coming North: I-95 north to exit 27 (Lafayette Boulevard); proceed straight through three traffic lights; left onto Lafayette Boulevard.

TO WATERBURY: Coming North: Route 8 north to exit 31, to I-84 east. Take exit 21, Baldwin Street. Go left under the highway onto South Main Street. Take left on to Grand Street, left onto Cottage Place.

Coming West: I-84 west to exit 21, Meadow/Bank Street. At end of ramp take a right onto Field Street, and another right onto Grand Street. Take first right onto Cottage Place.

Alternate Route: Route 63 Amity Road to Route 8 entrance in Naugatuck. Rt. 8 to I-84 East. Take exit 21; follow directions above.

PUBLIC ACCESS HOURS

The clerk' s offices are open to the public from 9:00 a.m. to 4:00 p.m., Monday - Friday. A file stamp machine and drop box are located outside the Hartford and Bridgeport clerk' s office doors and in the lobby of the New Haven courthouse for after hours filings.

WEBSITE ADDRESS

The district court website address is: www.ctd.uscourts.gov.

LOCAL RULES

These may be obtained on the district website or from the Connecticut Bar Association, 30 Bank Street, P. O. Box 350, New Britain, CT 06050-0350, telephone: (860) 223-4400, fax (860) 223-0538.

FEE INFORMATION

Admissions of Attorneys	60.00
Appeal to U.S. District Judge from a judgment in a misdemeanor conviction before a U.S. Magistrate Judge	25.00
Certificate of Good Standing	15.00
Certification of Documents (per document)	7.00
Civil Complaint	150.00
CJA in-court rate effective 5/1/02 (per hour)	90.00
CJA out-of-court rate effective 5/1/02(per hour)	90.00
Copies of Docket Sheet (per page copied by Clerk' s Office staff)	.50
Copies of Docket Sheet (per page from public terminal)	.10
Tape Recorded Proceedings (per tape)	20.00
Court Copy Fee (per page or per side)	.50
Duplicate Certificate of Admission	15.00
Exemplification Fee	14.00
Foreign Judgment Registration	30.00
Juror Fee (per day)	40.00
Mileage Fee (per mile) effective 1/1/03	.36
Miscellaneous Civil Filing Fee	30.00
Name Search (each name) no fee for first name	20.00
Notice of Appeal	105.00
Notice of Cross Appeal	105.00
Notice of Removal from State Court	150.00
PACER fee per minute	.60
Petition for Writ of Habeas Corpus	5.00
Power of Attorney	20.00
Pro Hac Vice Admissions (per atty per motion)	25.00
Public Copier (per page)	.25
Retrieving Records from Federal Record Center	35.00
Returned Check Fee (insufficient funds)	35.00
Witness Fee (per day)	40.00

ACCEPTABLE FORMS OF PAYMENT:

Cash (exact amount), money order, bank check, cashier' s check, personal checks (name, address, and telephone number must be clearly written on the face of check) and law firm checks (including out of state law firms). Checks must be payable to: Clerk, U. S. District Court. We do not accept third-party checks. **The clerk's office cannot make change for any service.**

COPY FEES:

Copy fees are charged when a person, firm, or organization requests a copy of a filing in a case which must be made by clerk's office staff.

Government agencies and court appointed counsel in criminal or civil cases are not charged copy fees. **Copy and certification fees are not charged to counsel of record when obtaining certified copies of court orders to be served.**

Copies of electronic docket sheets may be made from the public terminal at a reduced rate. Public terminals are located in the reception areas of clerk's offices, except Waterbury. See fee information on page 5 for current rates.

Copies may be made of any document in a file, as long as the file and/or the document is not under seal. Copies may not be made of any file or document that is under seal unless it is requested by the filer, who you recognize or who can provide identification.

When a person comes to the clerk's office, copies may be made using the public copier provided in each clerk's office for this purpose. See fee information on page 5 for current rates. **The clerk's office cannot make change.** Clerk's office personnel are not responsible for maintaining the public copier.

Telephone requests for copies from our files: Callers should be informed of the following two options: 1) they may come to the clerk's office and make their own copies using the public copier (**Bring their own** quarters), or 2) they may submit their request in writing. We may accept requests by fax but we cannot fax information. When the request is received, the copy clerk will call and inform the requester of the amount that will be due. See fee information on page 5 for current rates. The fee for a two-sided document is double the regular fee. When the amount due is received, the copy clerk will make the copies and send a receipt with the copies to the requester. The average time for copies to be made by the clerk's office is two weeks.

For cost of certified copies and cost per page, see fee information on page 5 for current rates.

When a file is closed and is not available at the clerk's office, the file must be retrieved from the Federal Records Center or we can provide the file location information at the FRC and the person may go to Waltham, Massachusetts to view the file and make copies. See "Obtaining Case Record Information" on page 10 for further information. There is a fee for retrieval, which must be paid prior to the file being requested. See fee information on page 5 for current rates. Once the file is received at the clerk's office, the requester is contacted and may either make the copies himself at the public machine, or the copy clerk will make the copies at the copy fee rate on page 5.

JUDGES AND STAFF

HARTFORD

CHIEF JUDGE ALFRED V. COVELLO

Catherine W. Verrillo, Judicial Assistant (860)240-3218

Jo-Ann Walker, Courtroom Deputy (860)240-3209

John Brandon/Wendy Allen, Court Reporters (860)549-1850

* Paired Magistrate: Smith

JUDGE ROBERT N. CHATIGNY

Lucia Macare, Judicial Assistant (860)240-3659

Linda Kunofsky, Courtroom Deputy (860)240-3210

Darlene Warner, Court Reporter (860)547-0580

* Paired Magistrate: Martinez

JUDGE CHRISTOPHER F. DRONEY

Judith A. D'Auria, Judicial Assistant (860)240-2635

Devorah Johnson, Courtroom Deputy (860)240-3201

Martha Marshall, Court Reporter (860)524-0694

* Paired Magistrate: Garfinkel

JUDGE DOMINIC J. SQUATRITO

Corinne L. Pike, Judicial Assistant (860)240-3873

Terri Glynn, Courtroom Deputy (860)240-3495

Susan Lamoureux, Court Reporter (860)246-0750

* Paired Magistrate: Smith

JUDGE ALVIN W. THOMPSON

Marion Bock, Judicial Assistant (860)240-3224

Sandy L. Smith, Courtroom Deputy (860)240-3880

Diana Huntington/Corrina Thompson, Court Reporters (860)547-0580

* Paired Magistrate: Martinez

MAGISTRATE DONNA F. MARTINEZ

Dinah O. Milton, Judicial Assistant (860)240-3605

Robert Wood, Courtroom Deputy (860)240-3889

* Paired with Judges Chatigny & Thompson

MAGISTRATE THOMAS P. SMITH

Barbara Stokes, Judicial Assistant (860)240-3640

Barbara Sunbury, Courtroom Deputy (860)240-3766

* Paired with Judges Covello & Squatrito

* Magistrate judges are paired with district judges for the purposes of case referrals

NEW HAVEN

JUDGE JANET BOND ARTERTON

Aimee Tooker, Judicial Assistant

(203)773-2456

Betty Torday, Courtroom Deputy

(203)773-2706

Sharon Montini, Court Reporter

(203)865-8089

* Paired Magistrate: Margolis

SENIOR JUDGE ELLEN BREE BURNS

Patricia Corbett, Judicial Assistant

(203)773-2105

Melissa Ruocco, Courtroom Deputy

(203)773-2106

* Paired Magistrate: Margolis

SENIOR JUDGE PETER C. DORSEY

Karin Miller, Judicial Assistant

(203)773-2427

Patricia Villano, Courtroom Deputy

(203)773-2377

* Paired Magistrate: Margolis

MAGISTRATE JOAN G. MARGOLIS

Mary Hill, Judicial Assistant

(203)773-2350

Patricia A. Moore, Courtroom Deputy

(203)773-2416

* Paired with Judges Arterton, Burns & Dorsey

BRIDGEPORT

JUDGE JANET C. HALL

Gail Szczygiel, Judicial Assistant

(203)579-5554

Cathy Boroskey, Courtroom Deputy

(203)579-5600

Thea Finkelstein, Court Reporter

(203)384-6067

* Paired Magistrate: Fitzsimmons

JUDGE STEFAN R. UNDERHILL

Chambers Main Number

(203)579-5714

Barbara Sbalbi, Courtroom Deputy

(203)579-5952

Susan Catucci, Court Reporter

(203)384-2173

* Paired Magistrate: Garfinkel

SENIOR JUDGE WARREN W. EGINTON

Rosalie Krajcik, Judicial Assistant

(203)579-5819

* Paired Magistrate: Fitzsimmons

* Magistrate judges are paired with district judges for the purposes of case referrals

SENIOR JUDGE ALAN H. NEVAS

Chambers Main Number

(203)579-5983

Alice Montz, Courtroom Deputy

(203)579-5727

*** Paired Magistrate: Fitzsimmons**

MAGISTRATE HOLLY B. FITZSIMMONS

Diane Kolesnikoff, Courtroom Deputy

(203)579-5640

*** Paired with Judges Hall, Eginton & Nevas**

MAGISTRATE WILLIAM I. GARFINKEL

Gloria Urbano, Judicial Assistant

(203)579-5593

Janet Barrille, Criminal Courtroom Deputy

(203)579-5656

Carol Sanders, Civil Courtroom Deputy

(203)579-5657

*** Paired with Judges Droney, Underhill & Goettel**

WATERBURY

SENIOR JUDGE GERALD L. GOETTEL

Denise Chancey, Judicial Assistant

(203)575-7891

*** Paired Magistrate: Garfinkel**

*** Magistrate judges are paired with district judges for the purposes of case referrals**

OBTAINING CASE RECORD INFORMATION

Cases are indexed by case number and by name. We will search one name or case number free of charge. See fee information on page 5 for current rates for each additional search, copy fee rate and certification per document. We may accept requests by fax but we cannot fax information to you. We must receive payment in advance. We accept money orders, cashier' s checks, personal checks or cash. Checks should be made payable to: **Clerk, U. S. District Court**. Cash can only be accepted in the exact amount, **we cannot make change for any service**. The public may perform searches using the public computer terminal and microfiche equipment. Public copy machines are available to make copies. See fee information on page 5 for current rates.

Closed cases are maintained in the clerk' s office for approximately two years. After that time they are sent to the National Archives and Records Administration, also know as, Federal Records Center (FRC), Northeast Region, 380 Trapelo Rd., Waltham, Massachusetts 02154-6322. Call the clerk' s office for file location information, then make an appointment to view files in Waltham at no charge by calling (781)647-8766. Otherwise, requests must be submitted in writing with a check payable to the **Clerk, U. S. District Court**. See fee information on page 5 for current retrieval fee rate.

AUTOMATED INFORMATION

This district maintains automated docket sheets for civil cases filed as of 11/1/91 and criminal cases filed as of 1/1/93. Computer terminals are available at each of the clerk's offices, except Waterbury. Each clerk's office, except Waterbury, has a microfiche machine and index of all cases pending or filed between 1982 and 1991. Any case filed prior to 1982 will be found on an index card, maintained at the Federal Records Center.

The bar and the public may access all automated information by using **PACER** (Public Access to Electronic Records). There is a 24-hour delay in information that can be accessed through **PACER**. **PACER** may be accessed toll free at 1-800-676-6856. Once you are on-line there is a per minute charge. See fee information on page 5 for current rates. Applications to obtain **PACER** are available from the clerk' s offices.

PROCEDURE FOR ADMISSION TO PRACTICE IN FEDERAL COURT

REGULAR ADMISSION: Attorneys must complete a petition for admission to this court, certifying that he/she is a member in good standing of the bar of the State of Connecticut **or** the bar of another U.S. District Court. Attorneys must submit their petition to the New Haven clerk' s office with two (2) affidavits from members of the bar of this court concerning the applicant's background. Petitions must be submitted with the fee, (see fee information on page 5 for current rates) as well as one (1) Certificate of Good Standing from the court(s) in which the applicant is admitted to practice. **[Local Rule 83.1]** Petitions are available from the clerk' s offices, except Waterbury, or on the district web site.

Admissions are held each month (EXCEPT AUGUST), as follows:

New Haven:	First Monday
Bridgeport:	First Friday
Hartford:	Second Monday

Once an attorney is admitted to practice here, it does not matter that residence or work location has changed. The attorney remains admitted for all purposes until suspension, disbarment, retirement or death. An attorney's status may be checked from the ICMS directory or index cards.

The Local Rules require the attorney's name, address, telephone number, federal bar number, fax number, e-mail address **[Local Rule 5(a)]**; however, it is preferable to have the firm's name included on appearances. The Post Office has returned mail because the attorney is unknown or is located in a multi-office building.

PRO HAC VICE ADMISSION: Applicants must comply with the provisions of **Local Rule 83.1(d)**. An attorney who is a member of this bar and has an appearance in the case may file a motion on behalf of the applicant and submit the motion with a fee **FOR EACH ATTORNEY** wanting to be admitted pro hac vice. See fee information on page 5 for current rates. A separate filing fee per attorney must be submitted **FOR EACH CASE**. If the motion is denied for procedural deficiencies, no additional filing fee is required when refiling the motion. The renewed motion must contain a statement regarding previously paid fees.

AMICUS CURIAE ATTORNEYS: do not have to be members of the bar to file amicus briefs; however, if the attorney is not a member of the bar, clerk's office staff will complete an attorney maintenance form with the name and address of the attorney and forward it to the Attorney Admissions Clerk.

WITHDRAWAL OF APPEARANCE: A motion for withdrawal of appearance is to be filed setting forth reasons for withdrawal. The motion must also include a statement that the party whose counsel seeks to withdraw has received actual notice by personal service or by certified mail and whether or not the party has retained new representation. Memorandum in Support is not required, **Local Rule 7(e)**.

GOVERNMENT ATTORNEYS: do not have to be a member of our bar; if the attorney is not a member of the bar, clerk's office staff will complete an attorney maintenance form with the name and address of the attorney and forward it to the Attorney Admissions Clerk.

MDL CASES: Attorneys of record may continue to represent their client in any district to which the action is transferred. Attorneys are not required to obtain local counsel. **[28 U.S.C. §1407, Rule 6.]**

GRIEVANCE PROCEDURES: Grievances may be filed against attorneys pursuant to **Local Rule 83.2**. Instructions may be obtained from the clerk's office. The list of members of the Federal Grievance Committee is also available at the clerk's office.

JUDICIAL COMPLAINT PROCEDURES: Complaints may be filed against a judicial officer pursuant to **28 U.S.C. §372(c)**. The rules and complaint form may be obtained from the clerk' s office. Completed forms must be submitted to the United States Court of Appeals, U. S. Courthouse, 40 Foley Square, New York, NY,10007, and not to the local clerk' s office.

GENERAL INFORMATION

FORMAT OF PLEADINGS: Pleadings shall be filed in compliance with **Local Rule 10**. Holes shall be punched at the top center and all pages after page 1 are to be numbered at the bottom. They must be double spaced, on 8-1/2" by 11" paper with a left margin of at least 1" free from all typewritten or printed material and shall have legibly typed, printed or stamped the names of counsel, including their federal bar number, or name of the party who executed the document, telephone number, fax number and e-mail address directly beneath the signature (if available). The complete docket number, including the initials of the judge to whom the case has been assigned, shall be typed on each pleading. Filings must have a proper certificate of service which includes the name and address of each party served **Local Rule 5(b)**.

CONSOLIDATED CASE: Judges may enter an order of consolidation in related cases. The deputy clerk then issues a Notice to Counsel which indicates how these cases will be maintained and administered by the court.

NUMBER OF COPIES TO BE FILED IN CASES: Only the original document needs to be filed, unless otherwise directed by a judge or magistrate judge.

BRIEFS: Local Rule 7(a)(2) Motions Procedure:

"Except by permission of the court, briefs or memoranda shall not exceed forty (40) 8-1/2" by 11" pages of double spaced standard typographical print, exclusive of pages containing a table of contents, tables of statutes, rules or the like. The original of all motions and briefs shall be filed with the clerk at the seat of court where the judge sits."

REPLY BRIEFS: Local Rule 7(d) states: "Reply briefs are not required and the absence of a reply brief will not prejudice the moving party. If a party wishes to file a reply brief, the reply brief must be filed within ten (10) days of the filing of the responsive brief to which reply is being made. A reply brief may not exceed ten (10) pages, must be strictly confined to a discussion of matters raised by the responsive brief and must contain references to the pages of the responsive brief to which reply is being made." The filing of any further replies requires the permission of the court.

SECURITY COSTS (Bond) Local Rule 83.3 states: Defendants may submit a motion for the plaintiff to file security for costs in the amount of \$500.00. The clerk may grant the first request up to \$500.00. All other requests must go to the judge. When the case has been closed the plaintiff may file a written request for return of costs. After the request is granted, a copy is forwarded to the Financial Administrator in New Haven who will return the security costs to counsel.

DISCOVERY INFORMATION: Pursuant to **Local Rule 5(e)** discovery which includes interrogatories, requests to produce, answers, notice of compliance, objections, expert witness reports and damage analysis reports, and pursuant to **Rule 26(a), FRCP**, initial disclosures should not be filed with the court. If filed with the court, they will be discarded.

PRE-JUDGMENT REMEDY: PJRs require a writ of attachment or garnishment (per state statute which governs these proceedings in this court). **[Local Rule 4(c)]**

MAGISTRATE'S NUMBER vs. MISCELLANEOUS NUMBER

SEARCH WARRANT: is signed by a judge or magistrate judge. When the agent or U. S. Attorney' s Office returns the search warrant it is assigned a magistrate number. The search warrant is usually accompanied by a complaint and application. The search warrant usually contains language such as: " ...searching for illegal..."

SEIZURE WARRANT: Receives a miscellaneous civil number. This warrant is usually for automobiles, currency, etc.

GRAND JURY WITNESS OR INDIVIDUAL UNDER INVESTIGATION BY GRAND JURY: Receives a miscellaneous civil number and the case is sealed. Examples: appointment of counsel, motion for immunity, motion for use immunity, notice to compel handwriting exemplars.

HABEAS CORPUS AD PROSEQUENDUM OR TESTIFICANDUM: Unless the habeas is issued in a pending case, these documents receive a miscellaneous civil number. The U. S. Attorney has already signed the application and the judge has usually already signed the order. It must be signed by the judge before the clerk can process. The application must be file stamped. The writ itself is not file stamped. The original application/writ and two true-attested copies should be given to the U.S. Marshal for service. One attested copy should be given to a docket clerk.

REGISTRATION OF FOREIGN JUDGMENT: Counsel must go to the district court in which the original judgment was entered to obtain the following:

- (1) a Civil Form AO 451, completed by the "home" district court; and
- (2) a certified copy of the judgment.

Counsel can then file both items with this court with the filing fee. It is not necessary for counsel to be a member of the bar to register a judgment. See fee information on page 5 for current rates. The judgment will receive a miscellaneous civil number.

MISCELLANEOUS CIVIL NUMBER CONVERTING TO CIVIL NUMBER: If a miscellaneous civil case goes to hearing or trial before a district judge, the case will receive a regular civil number, with the number being assigned as of the date of the first such hearing.

FILING A COMPLAINT

Note: See Section I of the Procedures Manual for complete instructions.

Cases are randomly assigned on a district-wide basis by a computer program. The case receives a docket number and is assigned to a judge. All future filings in that case must be filed at the seat of court where the judge sits.

The only reasons to reject a complaint are for lack of an original signature or if no filing fee or Informa Pauperis Application (IFP) is submitted. See fee information on page 5 for current rates.

CASE CAPTION: all parties should be listed in the case caption, it is not proper procedure to use “ et al.” **[FRCP 10(a)]** Direct the filer to complete a corrected caption page for the complaint. If the statute of limitations will be affected, file stamp the complaint and wait for the corrected page.

JURY DEMAND: must be stated in the complaint or in a separate pleading; it is not sufficient to state this on the civil cover sheet.

CIVIL COVER SHEET: The attorney filing the complaint does not have to sign the civil cover sheet. The civil cover sheet is not a pleading; it is required to assist the clerk's office for statistical reporting to the AO. If another attorney signs the civil cover sheet, that person does **NOT** have to enter an appearance for the purpose of filing the cover sheet. We should do our best to get a signed civil cover sheet, but the intake clerk needs the cover sheet to open the case with or without a signature.

SERVICE OF THE COMPLAINT: The plaintiff has 120 days from the filing date of the complaint in which to serve the defendant. **[FRCP 4(m)]** Service may be completed by:

- (1) **SUMMONS:** May be served by:
 - (a) a state marshal
 - (b) any person over the age of 18 who is not a party
- (2) **NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE:** May be used to serve a complaint by mail. Forms are available in the clerk's office. Directions appear at the bottom of the form.
- (3) **U.S. MARSHAL:** The U.S. Marshal will serve a summons and complaint in very limited cases such as the following:
 - (1) those brought on behalf of the United States;
 - (2) in forma pauperis actions, on order of the court;
 - (3) actions brought on behalf of seamen **[28 U.S.C. 1916]**; and
 - (4) in any other action in which the court so directs.

FICTITIOUS NAME: Matters filed with Motions to File in Fictitious Name and to Seal are withheld from public inspection and service unless the court orders it unsealed. All documents submitted under seal must comply with **Local Rule 5(d)**.

ORDER ON PRETRIAL DEADLINES: At the time the complaint is filed, an order on pretrial deadlines will be provided for all applicable cases. The plaintiff is required to serve this order with the complaint and summons. It is not necessary to serve the order on pretrial deadlines in cases transferred from another district. However, copies may be sent to the attorneys to make them aware of the scheduling guidelines in this district. The order on pretrial deadlines starts from the date of filing in the federal court.

FOREIGN SERVICE: When the party to be served resides in a foreign country, counsel can hire an attorney in the foreign country to serve the summons and complaint, serve the complaint in accordance with the Hague Convention, or it can be served by the clerk of the court pursuant to **FRCP 4(f)**. Counsel must provide all appropriate paperwork and postage. Instructions are available at the clerk's office.

FEDERAL DEFENDANT: The plaintiff needs to file the original complaint and have 6 copies for service: 3 for U.S. Attorney in Connecticut, 2 for the Attorney General of the United States (to be served by registered or certified mail), and 1 for the named agency, if applicable. See Procedures Manual, Section I, Civil Intake, Appendix E.

PROCEDURE FOR REMOVAL: [See 28 U.S.C. 1446, et seq.]

What is needed?

- (1) Verified Notice of Removal, (with complete caption—it is not proper to use “ et al” in the case caption.) Parties maintain exactly the same party status as in state court; i.e., plaintiff is still plaintiff and defendant is still defendant--THEY DO NOT SWITCH ROLES!
- (2) Copies of all state court process, pleadings and any orders served upon the defendant.
- (3) Notice of Filing of Removal
- (4) Civil Cover Sheet
- (5) Appearance for defendant's (defendants') attorney
- (6) Filing fee or motion to proceed IFP. See fee information on page 5 for current rates.
- (7) A notice of pending motions indicating what motions are still pending after removal requiring action by a judge in this court. Counsel must also attach copies of the motion and any supporting/opposing documents. **[See: STANDING ORDER IN REMOVED CASES (7/1/98)]**

An appearance should be filed by the defendant(s) attorney, pursuant to **Local Rule 5(a)** and **Rule 11(a), FRCP**. As long as counsel are members of the federal bar they are added to our data base. The parties should file new appearances or motions to be admitted pro hac vice in federal court after the case has been removed from state court.

When the Notice of Removal is filed, the filer must mail or send a copy of the order on

pretrial deadlines to the other parties.

An amended complaint can be filed by right after a notice of removal is filed and no answer has been filed. If the answer has been filed, amending the complaint may only be done with leave of the court. **[Rule 15, FRCP]** It does not have to mention all of the original defendants, but if it doesn't, it is generally an indication that the plaintiffs have dropped the action against the unnamed defendants and those defendants should not then be required to respond. (This determination should be made by the attorney.) However, the caption should include all parties pending in the case and may not contain the term "et al."

CIVIL SUBPOENAS

COUNSELED CASES:

Issuing Subpoenas for cases in Connecticut: Pursuant to **Rule 45(a)(3)**, the clerk shall issue a subpoena, signed but otherwise in blank, to anyone requesting it. An attorney as officer of the court may also issue and sign a subpoena. A standard form AO 88 is used for this purpose. We do not need to date or seal these forms. The attorney will complete the form before service. (See page 32 for issuing criminal subpoenas.) If the subpoena is for a deposition, the person served may be required to attend at any place within 100 miles from the place where the person resides, is employed or transacts business.

Issuing Subpoenas for cases not in Connecticut: If the attorney wants to depose someone in another district, the attorney may issue the subpoena without being a member of the court where the deposition is to be taken. Example: Attorney Smith has a case pending in California and wants to depose someone in Connecticut. Attorney Smith does not have to be a member of our bar and may issue the deposition subpoena as an officer of the court in California. **[Rule 45(a)(3)]** Our office would not be involved in issuing the subpoena.

PRO SE CASES:

Issuing Subpoenas for cases in Connecticut: **Rule 45** does not allow pro se parties to issue their own subpoenas. This must still be done by the clerk. If a party requests subpoena forms, pursuant to **Rule 45(a)(3)**, the clerk may issue them signed, but otherwise in blank, to any party requesting it, who shall complete it prior to service. It is not necessary to seal the subpoena after signing. We should verify that the pro se party has an action pending before signing a subpoena. If the subpoena is for a deposition, the person served may be required to attend at any place within 100 miles from the place where the person resides, is employed or transacts business.

Issuing Subpoenas for cases not in Connecticut: Where the party is pro se and wishes to issue a subpoena, the subpoena shall issue from the court for the district

designated by the notice of deposition as the district in which the deposition is to be taken. Example: Pro Se Jones has a case pending in Iowa and wants to depose a witness in Connecticut; Pro Se Jones should file notice of deposition in Iowa, bring a copy to the clerk's office in Connecticut where the clerk's office issues a subpoena for Pro Se Jones. This is a miscellaneous proceeding and requires a filing fee. See fee information on page 5 for current rates.

SERVICE OF SUBPOENAS: Any disinterested party over the age of 18 may serve a subpoena. This includes state marshals under **FRCP 45(b)**. Upon service of a subpoena, a witness must also receive the statutory appearance fee of one day's attendance plus mileage at the statutory rate. See fee information on page 5 for current rates. No fee is necessary to subpoena documents.

Motions to Quash Subpoenas: If the action is pending in our court, the person subject to the subpoena may file this motion pro se or it can be filed by an attorney. If filed by counsel, the attorney does not need local counsel and does not need to be admitted pro hac vice. If the motion to quash is for a subpoena in a case *pending in another district*, we would open a miscellaneous civil case and a filing fee is required. See fee information on page 5 for current rates.

TIME LIMITS: There is no minimum advance notice requirement for a person who is to appear at a hearing, trial, deposition, etc. However, pursuant to **Rule 45(c)(B)** if the subpoena is for production and inspection, the party served may object within 14 days of service or before, if the time specified is less than 14 days away. Objections to subpoenas (other than to appear at trial) are considered discovery disputes and are not filed with the Clerk. Once the subpoena has been served, there is no general time limit on how long it is in effect.

ATTORNEY FEES

Attorney fees are requested by motion with supporting affidavits and memoranda of law. Motions for attorneys fees or sanctions shall be filed with the clerk and served on opposing parties within 30 days of the entry of judgment [**Local Rule 11(a)**], unless the statute under which a case was brought provides a different time limit.

BILL OF COSTS

After judgment enters, the successful party may file a Bill of Costs with the clerk for consideration and determination of allowable costs. Items that are taxable as costs are in **28 U.S.C. 1920** and **Local Rule 54**. Bills of Costs must be filed within the time frames in **Local Rule 54**. Unless otherwise directed, Bills of Costs are directed to the deputy in charge at the district court office where the case was assigned.

The prevailing party may use Form AO 133, which will be provided by the clerk at no charge, or may draft a comparable document. All the required information should be provided and the document must have an original signature and certification of service. The Bill of Costs should be file stamped, docketed and given to the deputy in charge. All related documents including memoranda in support, memoranda in opposition, affidavits, etc. should also be given to the deputy in charge.

DEADLINES: The Bill of Costs must be filed within 10 days of the judgment becoming final. The judgment becomes final 30 days after it is entered on the docket (60 days for the Government) and there has been no appeal. If there is an appeal pending, the Bill of Costs will be denied without prejudice to renewal when judgment becomes final. Once the appeal has been decided and we receive the mandate from the court of appeals, counsel has 10 days to file a Bill of Costs and it may include any costs awarded by the court of appeals.

CASE MANAGEMENT - FREQUENT QUESTIONS

How are cases assigned to judges? Civil cases are randomly assigned to judges on a district-wide basis. The case number and judge are assigned when the case is filed.

Where should documents be filed? All filings must be filed at the seat of court where the judge sits.

When will a case go to trial? These calls should be referred to the respective courtroom deputies EXCEPT for Magistrate Smith. Refer these calls to his Judicial Assistant, Barbara Stokes.

When will a motion be set for a hearing? Even if a hearing is requested, most judges do not schedule hearings on motions; they are decided on the papers. If a hearing is necessary, the court will issue a calendar or notify counsel.

When will a pretrial conference be held? The court will issue a calendar or notify counsel. Any questions should be referred to the respective courtroom deputies EXCEPT for Magistrate Smith. Refer these calls to his Judicial Assistant, Barbara Stokes.

Has a pleading or an order been filed? This information is available by searching **PACER** or calling the clerk's office.

How can a person find out if a case has been filed, etc.? This information is available by searching **PACER**, ICMS, microfiche, or in older cases, searching the index cards on file with the Federal Records Center.

DEADLINES

All time limits are listed in the Local Rules, FRCP, and FRCrP.

Answers: [including responses to counterclaims and cross-claims contained in complaints] 20 days from date of service [60 days, if USA] or 10 days after denial of Motion to Strike or Motion to Dismiss in civil actions; 30 days for Freedom of Information Act cases.

Amended Pleadings: **FRCP 15(a)** provides that a pleading may be amended as a matter of course at any time before a responsive pleading is served...". Any subsequent amendment requires a motion to amend. Pleadings as defined by **FRCP 7(a)** include a complaint; answer; reply to a counterclaim; answer to a cross-claim, if the answer contains a cross-claim; a third-party complaint, if a person who was not an original party is summoned; and third-party answer.

Answer to Removed Civil Complaint: 5 days following removal or 20 days after service of initial pleading or summons, whichever is longer.

Memoranda in Opposition: 21 days in response to substantive motions involving disputed issue; e.g., Motions to Dismiss, Motions for Summary Judgment [**Local Rule 7(a)**].

Reply Brief: 10 days from the date the memoranda in opposition is filed. Any further reply requires permission of the court [**Local Rule 7(d)**].

Notice of Appeal: 30 days from entry on docket of judgment (60 days from entry on docket, if case involved USA); or 10 days from date of entry on docket of judgment in criminal case (30 days, if USA files the appeal).

Bill of Costs: 10 days after judgment becomes final. [**Local Rule 54(b)**]

Objections to Bill of Costs: 15 days from filing of Bill of Costs. [**Local Rule 54(d)**]

Appeal or review of Clerk's Ruling on Bill of Costs: Within 5 days of the ruling.

Objections to Magistrate's Ruling: Within 10 days. [**FRCP 72; Local Rule Magistrate 72.2**]

Third-Party Complaint: Within 10 days after filing of an answer without permission of the court, or anytime after commencement of action with permission of the court.

APPEALS TO THE U. S. COURT OF APPEALS

NOTICES OF APPEAL must be file stamped immediately upon receipt and given to the appeals clerk for docketing. Appeals may be filed at any seat of court. We accept and file a notice of appeal even if there are defects; i.e. no filing fee, wrong seat of court, etc. Once an appeal is filed, the district court no longer has jurisdiction and everything, except the Index of Record on Appeal, must be filed with the court of appeals. A certificate of service is not required with a notice of appeal. The clerk is required to serve notice of filing of the NOA on all parties.

APPEALS FROM FINAL JUDGMENT: Civil appeals must be filed 30 days from the entry of the judgment on the docket. If the USA is a party, all parties have 60 days. Criminal appeals must be filed 10 days from the entry of the judgment on the docket, the USA has 30 days.

INTERLOCUTORY APPEAL: with permission of the court, may be filed at anytime while the case is pending within 10 days after ruling of the court granting permission to appeal. **[FRCP 54(b)]** A motion can also be made to the United States Court of Appeals. In this instance, the granting of the motion acts as the NOA. **[28 U.S.C. 1292(b)]**

FILING FEE: See fee information on page 5 for current rates. If it is not paid when the appeal is filed, it must be filed within 10 days.

CROSS-APPEAL: an additional filing fee is required for the filing of a cross-appeal. See fee information on page 5 for current rates.

IN FORMA PAUPERIS STATUS: If an IFP was approved for the appellant at the district court level, it will continue in force requiring no additional fee, unless revoked.

INDEX: A list of documents to be included in the Record on Appeal filed by the appellant. The USCA scheduling order sets a date within which the Index must be filed with the court of appeals.

MANDATE: A final decision by the court of appeals. The mandate must be file stamped immediately upon receipt and given to the appeals clerk in civil cases and to the criminal clerk in criminal cases.

APPEALS - FREQUENT QUESTIONS

Q. IF A RULE 59 MOTION (MOTION FOR NEW TRIAL) IS FILED AFTER THE ENTRY OF A JUDGMENT, DOES THE FILING OF THE RULE 59 MOTION STAY THE APPEAL DEADLINE?

A. Yes, pending the district court judge' s ruling on the motion.

Q. IN A CONSOLIDATED CASE, DO I FILE A NOTICE IN EACH CASE?

A. No, the notice gets filed in the lead case only.

Q. AFTER THE ENTRY OF A JUDGMENT, HOW MANY DAYS DO I HAVE TO FILE AN APPEAL?

A. Ten days from entry on docket for a criminal case; 30 days from entry on docket for a civil case.

Q. I LIVE IN HARTFORD AND TODAY IS THE LAST DAY THAT I CAN FILE MY APPEAL. MY CASE IS PENDING IN BRIDGEPORT. CAN I FILE MY NOTICE OF APPEAL AT THE HARTFORD DISTRICT COURT?

A. Yes. A notice of appeal can be filed at any seat of court in the district.

Q. DOES A NOTICE OF APPEAL NEED A CERTIFICATE OF SERVICE?

A. No. The appeals clerk distributes copies to all parties, along with other materials.

Q. IF MY MOTION IFP IS GRANTED WHEN THE CASE WAS FIRST FILED, DOES THE IN FORMA PAUPERIS STATUS REMAIN IN EFFECT AT THE TIME MY NOTICE OF APPEAL IS FILED?

A. Yes.

Q. IF I INADVERTENTLY MAILED MY ORIGINAL NOTICE OF APPEAL TO THE COURT OF APPEALS TODAY, AND THE TIME IN WHICH TO FILE THE APPEAL EXPIRES TOMORROW, DO I LOSE MY RIGHT TO APPEAL? WHAT SHALL I DO?

A. You do not lose your right to appeal. Per **Rule 4(a)1**, the court of appeals will date stamp the notice of appeal and forward it to the appropriate district court. The notice shall be treated as filed in the district court, and the date stamp from the court of appeals is considered the date filed. However, a copy of your notice of appeal should be provided to the appeals clerk for information.

Q. WHAT IS THE DEADLINE FOR FILING A NOTICE OF APPEAL WHEN THE DAY FALLS ON A WEEKEND?

A. The due date is the next business day.

Q. CAN I HAVE AN APPEALS (CAMP) PACKAGE?

A. The appeals package is given out when the notice of appeal is filed. However, we can give the package out in advance if requested and it is available on our website.

Q. HOW CAN I GET FORMS C & D?

A. They are in the appeals package or may be requested from the court of appeals.

Q. HOW MUCH IS THE APPEAL FEE?

A. See fee information on page 5 for current rates.

Q. WHAT SHOULD I DO WHEN THE USCA CALLS FOR A RECORD?

A. The telephone request should be docketed and the information relayed immediately to the appeals clerk.

Q. DO YOU HAVE THE USCA NOTICE OF MOTION FORM T-1080?

A. Yes. It is available upon request. There is also one in each appeals package.

Q. DO YOU HAVE ATTORNEY APPEARANCE FORMS FOR THE U.S. COURT OF APPEALS?

A. Yes. They are available upon request.

Q. IN CRIMINAL CASES, IS COUNSEL OF RECORD REQUIRED TO CONTINUE TO REPRESENT DEFENDANT?

A. Yes. In order to be relieved, a motion must be made to the court of appeals within seven days of filing the notice of appeal.

Q. DOES THE RECORD AUTOMATICALLY GET SENT TO THE USCA UPON FILING THE NOTICE OF APPEAL?

A. Records are sent only upon request by the USCA.

MISCELLANEOUS INFORMATION

INTERPRETERS: Anyone wanting to serve as an interpreter should complete an application and mail it to the Hartford clerk' s office.

MDL (Multidistrict Litigation): These are cases filed in one or more districts in the country. They are grouped as to similar subject matter and assigned to one judge by the Judicial Panel on Multi District Litigation.

NATURALIZATION HEARINGS: Are usually held each month as follows:

Hartford:	First Friday
New Haven:	Second Friday
Bridgeport:	Third Friday

Taking pictures in the courtroom is in the discretion of the presiding judge or magistrate judge. Questions concerning photographing ceremonies should be directed to the courtroom deputy.

CERTIFIED vs. TRUE ATTEST DOCUMENTS:

Certification - The original document is in the court file. We can certify a copy of a certified copy as long as it is part of the court file.

True Attest - The original document is returned to the filer, usually with one or more true attested copies and we usually keep a true attest copy for our file.

These documents should be stamped appropriately and the court seal should be placed over the deputy clerk' s signature.

JURY INFORMATION

The District of Connecticut is divided into four divisions for federal jury service as follows: Bridgeport -- Fairfield county; Hartford -- Hartford, Litchfield, Tolland, and Windham counties; New Haven -- Middlesex, New Haven, and New London counties; Waterbury -- Middlesex and New Haven counties.

The jury wheel consists of a combination of the motor vehicle list and the list of registered voters. Grand jurors serve for eighteen months. Petit jurors are placed in a pool and remain on call for two months.

Jurors are summoned at random approximately three weeks prior to a scheduled jury selection.

Jurors may write to the jury clerk to be excused from jury service. Faxed letters are not encouraged, but are allowed. Jurors who have served two days with the state or federal court within the past two years may write to request to be excused from federal court. Proof of service should be provided with the request. The jury clerk reviews the request and forwards it to the appropriate judge for determination. Upon receipt of the judge's decision, a letter is mailed to the juror.

Jurors are compensated per day attendance and round trip per mile from their town to the court, and a maximum of \$10.00 per day parking. See fee information on page 5 for current rates. The checks are mailed by the middle of the month following jury service.

A juror information packet is sent to all jurors with their initial summons. The following topics are covered in the packet: directions to the appropriate courthouse, the name and phone number of the jury clerk, the AJIS phone number and information, parking lot locations and fees, proper attire, and information on how to request to be excused.

JURY - MOST FREQUENTLY ASKED QUESTIONS

Q. I CAN'T COME THAT DAY, WHAT SHOULD I DO?

A. If it is about a week before the jury selection date, the juror must write a letter to the jury clerk immediately. Be sure to include the date of scheduled appearance, juror identification number, and a detailed explanation of why you cannot appear. If the jury selection is within a couple of days or day before, refer to the jury clerk.

Q. I LOST MY LETTER. WHAT GROUP AM I IN, WHAT NUMBER DO I CALL, WHAT DAY AM I SUPPOSED TO COME IN?

A. Let me refer you to the jury clerk.

Q. I WAS SUPPOSED TO BE THERE TODAY/YESTERDAY AND HAD: CAR PROBLEMS; GOT SICK; MY DOG DIED; FELL OFF MY DIET. SO I DIDN'T COME IN. NOW WHAT DO I DO? AM I GOING TO BE FINED OR JAILED?

A: Let me refer you to the jury clerk.

Q. WHAT SHOULD I DO IF I HAVE VACATION COMING UP? SURGERY? DOCTOR/DENTIST APPOINTMENT?

A. Write a letter requesting to be excused if it is on the same day as jury selection. If the event is not on the day of jury selection, they should come in and request to be excused in court.

Q. I AM SUMMONED FOR JURY DUTY AT THE STATE COURT ON THE SAME DAY. WHAT DO I DO?

A. Submit a request in writing to the state court for a deferment of your state court jury duty. The federal court takes precedence, and you will be expected to report to the federal court.

Q. I AM AFRAID OF DRIVING TO THE CITY, SO I WON'T BE COMING.

A. Let me refer you to the jury clerk.

Q. I AM AFRAID OF PARKING IN THE CITY -- WHERE CAN I PARK?

A. Parking information was sent with your summons. Please refer to that. (Note: If they no longer have the information, refer to the jury clerk.)

Q. HOW MUCH DOES IT COST TO PARK?

A. See the answer above.

Q. CAN I FAX YOU A LETTER/NOTE FROM MYSELF/MY EMPLOYER/MY DOCTOR?

A. We don't encourage faxes; however we do accept them.

Q. THE JUDGE EXCUSED ME LAST TIME; I THOUGHT I WAS ALL FINISHED.

A. You were excused for that jury selection only. Your name is retained on the jury selection list for the remainder of the two month pool.

Q. DOES MY EMPLOYER HAVE TO PAY ME OR MAKE UP THE DIFFERENCE IN MY PAY?

A. There is no federal regulation covering juror pay. This is totally up to your employer. Please check with your personnel office or union contract.

Q. HOW CAN I BE REACHED IF I HAVE A PERSONAL EMERGENCY AND I AM SITTING ON A JURY?

A. Transfer the call to the jury clerk or have the person call a jury clerk's number. A message will be delivered to the court for the juror.

Q. WHEN DO I GET REIMBURSED FOR PARKING AND FOR COMING IN FOR JURY DUTY?

A. You will receive a check by the middle of the month following your jury service.

Q. HOW LONG ARE THE JURORS IN THE JURY WHEEL?

A. Two months.

Q. HOW MUCH LONGER DO I HAVE TO SERVE?

A. Let me refer you to the jury clerk to answer this question.

Q. HOW DO WE CHECK TO SEE HOW MANY TIMES JURORS HAVE BEEN SELECTED FOR TRIAL OR JUST CAME IN FOR SELECTION?

A. Let me refer you to the jury clerk.

Q. WHY CAN'T I SERVE IN MY OWN HOMETOWN?

A. Jurors who live in Hartford, Tolland, Windham and Litchfield counties report to Hartford for jury duty. Jurors who live in New Haven, Middlesex, and New London counties report to New Haven. Jurors who live in New Haven and Middlesex counties may also have to report to Waterbury. Jurors who live in Fairfield county report to Bridgeport.

Q. I JUST SERVED AT STATE COURT. DO I STILL HAVE TO COME?

A. Jurors who have served at least two days in the state or federal court within the past two years are eligible to be excused from federal service. They are required to submit a request to be excused in writing, including their scheduled appearance date, and their federal juror identification number. They must attach proof of state court jury service with the letter.

Q. I SERVED WITH THE STATE COURT ALREADY AND WAS EXCUSED. DOESN'T THAT EXCUSE ME FROM FEDERAL COURT, TOO?

A. No. They are different court systems. (See question above concerning when they served in state court.)

Q. I SENT IN A LETTER TO BE EXCUSED. WAS IT APPROVED? ARE YOU SENDING ME A RESPONSE?

A. Let me refer you to the jury clerk who can tell you the status of your request.

BASIC CRIMINAL INFORMATION

The following is a very basic outline of what happens in a criminal case:

1. Indictment, Information or Complaint filed
2. First Appearance
 - Bond Set
 - Scheduling Order issued
 - Attorneys appointed/retained
3. Arraignment/Plea entered (usually a *not guilty* plea is entered)
4. Motions filed
5. Change of plea or jury selection/trial
6. Sentencing (or dismissal/acquittal)
7. Appeal may be filed
8. 2255 motion may be filed

The following information can be obtained from querying in ICMS:

<u>Requested Information</u>	<u>ICMS Location</u>
Attorneys/Defendants	Query/Participants
Charges/Citation	Count Query/Citation Text
Sentence/Judgment	Count Query/Sentence Text
Sentencing Date	Query/Deadlines
Documents Filed	Query/Documents or History
Speedy Trial Information	Consult criminal docket clerk and/or courtroom deputy

Refer to Glossary of Terms Used in the Federal Courts (Section VI) for other criminal terms not mentioned in this section.

2255 MOTION TO VACATE FEDERAL SENTENCE:

A 2255 motion is filed by a sentenced federal defendant asking the court to vacate his/her sentence. Even though this motion has a criminal number, it is also assigned a civil case number. The civil case is always directly assigned to the judge who sentenced the defendant. The civil file is opened and closed on the same day. No further docketing is done on the civil case. The original 2255 motion remains in the criminal file. All further documents filed on a 2255 motion are docketed only on the underlying criminal case for which the defendant is serving his sentence.

APPEAL:

A criminal appeal must be filed within 10 days from the date judgment is entered on the docket.

APPLICATION FOR WRIT AD PROSEQUENDUM:

This writ is used to bring a defendant to court who is in custody and is being prosecuted. These applications have a criminal case number and are usually filed over the counter by the U. S. Attorney' s Office. The application should be file stamped, the writ itself is not file stamped. There is usually a pending case so the case number should be on the application. If it does not relate to a pending case, it is assigned a miscellaneous civil number. The original application/writ and two attested copies should be served by the U.S. Marshal' s Office. One attested copy should be given to a criminal docket clerk for docketing.

APPLICATION FOR WRIT AD TESTIFICANDUM:

This writ is used to bring a prisoner to court who is in custody and is being asked to testify at a trial or before the grand jury. These applications are usually filed over the counter by the U. S. Attorney' s Office. There is usually a pending case so the case number should be on the application. If it does not relate to a pending case, it is assigned a miscellaneous civil number. The application should be file stamped. The writ itself is not file stamped. The original application/writ and two attested copies should be served by the U.S. Marshal' s Office. One attested copy should be given to a criminal docket clerk for docketing.

BONDS:

Personal Recognizance: the defendant is released on his/her promise to appear.

Surety Bond: the defendant must post money and/or property prior to being released.

Nonsurety Bond: the court sets a monetary amount but the defendant does not have to pay the amount unless he/she fails to comply with conditions of the bond at which time the government pursues collection of this money.

CJA ATTORNEYS:

Criminal Justice Act (CJA) attorneys are appointed by the court to represent indigent defendants on criminal cases and can be appointed to represent petitioners on civil habeas cases. Criminal defendants must complete a financial affidavit to be reviewed

and approved by a judicial officer. The attorneys are paid by the court at the statutory rate. See fee information on page 5 for current rates.

COOPERATION AGREEMENT:

The cooperation agreement is usually filed under seal by the U. S. Attorney' s Office.

FELONY:

The penalty for the crime charged is more than one year.

GUILTY PLEA:

The defendant appears in court and admits guilt to counts of an Information or an Indictment. The sentencing date is set at the time of a guilty plea and it should be no more than 80 days from the guilty plea.

MISDEMEANOR:

The penalty for the crime charged is one year or less.

PLEA AGREEMENT LETTER:

The plea agreement letter is filed in open court. It details the agreement of the pending charges between the U. S. Attorney' s Office and the defendant.

PROBATION - TRANSFERS FROM OTHER DISTRICTS:

These are transfers of probation from another district. It should be signed by both the transferring judge in the other district and by any judge in our district. Transfers can be taken over the counter from the U. S. Probation Office. They must be file stamped and given to a criminal docket clerk to assign a criminal case number, randomly assign the case a judge. The transfer is opened and closed the same day.

SEALED DOCUMENTS:

Local Rule 57(b). Counsel seeking to file a document under seal shall file a motion to seal, which shall be accompanied by the document and an unsealed envelope. The unsealed envelope shall bear the caption of the criminal case or miscellaneous civil matter, (usually in the format of a letter for appointment of counsel for grand jury witness) the docket number, and a description of the documents to be sealed. The clerk shall file stamp the motion to seal, envelope, documents to be sealed and docket them and forward everything to chambers. If ordered sealed by the court, the clerk shall file stamp and seal the envelope and its contents, and note the date of the sealing order on

the envelope. Any documents submitted to the clerk under seal shall be kept and maintained by the clerk's office in a separate, locked filing cabinet or other secure location. Upon submission by the party seeking a sealing order, the sealing envelope and its contents shall be treated as a sealed document until directed otherwise by the court.

SENTENCING:

The defendant appears in court and the judge enters the terms and conditions of incarceration, suspended sentence, supervised release, probation, fines, restitution, etc. The courtroom deputy prepares the judgment for the court's signature and it is filed with the clerk's office, docketed and distributed.

SUBPOENAS:

Criminal subpoenas are to be issued in blank by the clerk's office and must be signed by a deputy clerk. They cannot be issued by an attorney as with civil subpoenas. In cases where the defendant has appointed counsel, if the subpoena is for someone located outside the district, an *ex parte* application must be made to a judge or magistrate judge. Criminal subpoenas issued by the federal public defender or CJA counsel are served by the U. S. Marshal.

SUMMONS:

A summons is issued by a deputy clerk or a judicial officer setting a date, time and place that the defendant is to appear in court. The defendant must be brought before a judicial officer within 15 days of the indictment to enter a plea. The summons is given to the U. S. Marshal's Office for service.

WARRANT DETAINER:

A detainer is issued when the defendant is already in custody on another matter, usually a state court matter. The detainer secures the presence of the defendant and if released from custody, the federal authorities are notified and the defendant is transferred into federal custody.